



An  
Bord  
Pleanála

## Inspector's Report ABP-309646-21

### Development

Demolition of existing enterprise and retail buildings and construction of a mixed-use development comprising 1 five-storey and 1 six-storey apartment blocks comprising 86 apartments (48 two-bed and 38 one-bed), 4 commercial units at ground floor level in Block A, and basement parking for 96 bicycles, 81 cars, and 5 motorcycles, accessed off Watery Lane.

### Location

Clondalkin Enterprise Centre, Watery Lane, Clondalkin, Dublin 22

### Planning Authority

South Dublin County Council

### Planning Authority Reg. Ref.

SD20A/0234

### Applicant(s)

Clapton Ireland Ltd

### Type of Application

Permission

### Planning Authority Decision

Grant, subject to 33 conditions

**Type of Appeal**

Third Parties -v- Decision

**Appellant(s)**

Castle Park Residents Association

Adair & Kay Cowan & Others

**Observer(s)**

Clondalkin History Society

**Date of Site Inspection**

22<sup>nd</sup> September 2021

**Inspector**

Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located in the north-eastern corner of Clondalkin Village Centre and on the eastern side of Watery Lane, from which it is accessed. The Village Centre comprises mainly two-storey buildings, which are typically in use for a wide variety of local shops, eateries, and public houses. On lands adjoining the site to the south, recent development has provided part three/part four storey buildings, which provide apartments on their upper floors. This development is known as Orchard Lodge Apartments. The Village Centre also comprises the majority of the historic village, which is recognised by the Clondalkin Village Architectural Conservation Area (ACA) and which is centred upon Tower Road, a north/south road, which runs at some remove to the west of the site. The ACA extends towards the site insofar as it encompasses properties to the south of the junction between Watery Lane (L5378) and Orchard Road/Orchard Lane (L5296). Within the fork formed by this junction and on the opposite side of Watery Lane from the site lies a part single/part two storey development of local shops and eateries, clustered around a forecourt parking area.
- 1.2. To the north and to the east of the site lie residential areas of two storey dwelling houses. The former area comprises 4 detached dwelling houses, Nos. 1 – 4 Watery lane, which are sited off an access road/turning head and behind an area of communal open space. The property at No. 4 and the portion of communal open space in front of it abut the site along their southern boundaries and they lie at a lower level than this site. The latter area comprises a row of one detached and several pairs of semi-detached dwelling houses on Castle Grove, Nos. 19 – 25 (odd, inclusive) of which have rear gardens that abut the site. The south-eastern corner of the site abuts the grounds to Clondalkin Education Centre, which is composed of two storey buildings and portacabins.
- 1.3. The site itself is of regular shape and it extends over 0.38 hectares. This site presently has two storey buildings to the front and single storey buildings to the rear. While several buildings are vacant, this cluster of buildings evidences a recent/current mix of uses, i.e. local shops, music rehearsal/teaching rooms, builders providers, and a car repair garage. A vehicular and two pedestrian accesses are available from Watery Lane and parking areas exist to the front and to the rear of the site, the latter area also includes a car wash facility.

1.4. A bus stop, which serves routes 13 and 51d, lies immediately adjacent to the front of the site with Watery Lane. (Another bus stop on Orchard Road lies effectively opposite the site, too, and it serves routes 68 and 69). This (western) boundary is denoted by means of a shallow wall. The northern and eastern boundaries are denoted by blockwork walls of varying heights. Along the western portion of the northern boundary, this wall is screened by trees and shrubs on its northern side. Along the eastern portion, which abuts the rear garden to No. 4 Watery Lane, it has been augmented by a timber fence. The southern boundary is denoted by buildings/walls comprised in the Orchard Lodge Apartments development.

## 2.0 Proposed Development

2.1. The proposal would entail the demolition of the existing two-storey and single storey enterprise and retail buildings (1547 sqm) on the site, including a car repair and maintenance garage, a hair and beauty salon, a grocery store, a pet store, and a sports facility, and 2 first floor level apartments.

2.2. The proposal would also entail the construction of a mixed-use development (10,140 sqm) comprising two blocks over a basement car park. These blocks would provide mainly apartments: 86 apartments (38 one-bed and 48 two-bed) (7063 sqm).

- Block A would be sited adjacent to and parallel with the site's frontage with Watery Lane: Its front and rear elevations would face west north-west and east south-east. This Block would comprise six storeys with the top one recessed. It would provide 4 commercial units at ground floor level over 525 sqm and 48 apartments on the upper floors (19 one-bed and 29 two-bed).
- Block B would be sited towards the rear of the site and its front and rear elevations would face west and east. This Block would comprise five storeys with the top one recessed. It would provide 38 apartments (19 one-bed and 19 two-bed).

2.3. Between the two blocks and to the rear of Block B communal open space would be provided over 1600 sqm.

2.4. Vehicular, cyclist, and pedestrian access to the development would be from Watery Lane at the northern end of the site's frontage. (Emergency vehicular access would

be provided at the southern end). The basement would provide 81 car parking spaces, 5 motorcycle parking spaces, and 88 of the 96 bicycle parking spaces. The remaining 8 bicycle parking spaces would be provided at surface level in front of Block A, alongside a set down area.

- 2.5. Under further information, Block B was reduced in size by the omission of the third floor and the stepping back of the northern side elevation from the northern boundary of the site with No. 1 Watery Lane. Consequently, Block B would provide 8 fewer apartments, i.e. a new total of 30 apartments (11 one-bed and 19 two-bed) and so the overall number of apartments would be 78 (38 one-bed and 40 two-bed).

### 3.0 Planning Authority Decision

#### 3.1. Decision

Following the receipt of further information, permission was granted, subject to 33 conditions, including the following one, denoted as Condition No. 2:

*Prior to the commencement of development, revised elevation and floor plans of Block B shall be submitted for the written agreement of the Planning Authority addressing the following:*

*(i) Windows shall be provided in the northern elevation of the ground floor apartment in Block B (titled on the floor plans as Type A Ap.01).*

*(ii) The entire fourth floor shall be set back from the eastern façade of Block B by a minimum of 2m and the set back on the western façade shall be maintained. This may result in the reduction of apartments or change in mix at fourth floor level.*

*Reason: In the interests of providing passive surveillance at ground level and to reduce the visual impact of Block B.*

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

The following further information was requested:

- (i) Concern expressed about over development in the light of the site's village centre zoning and the proximity of residential properties. The proposed density

and height to be justified and consideration given to improving the public realm and open space and the reorientation, resizing and/or removal of Block B.

(ii) The proposed height would contravene the CDP. In these circumstances, the applicant should submit a justification in accordance with the criteria set out in Section 3.2 of the Urban Development and Building Heights Guidelines, along with additional visual presentations.

(iii) The public realm and open space to be reconsidered in terms of their functionality, along with additional visual presentations.

(iv) (a) The footpath in front of Block A should be widened and straightened.

(b) An auto-track analysis of the proposed emergency vehicle access arrangements to be prepared.

(v) Upper floor balconies on the eastern elevation of Block B would lead to overlooking of existing residential properties, e.g. Nos. 19, 21 & 23 Castle Grove and No. 4 Watery Lane, and the proximity of this Block would be over bearing and it would lead to overshadowing. These issues to be addressed.

(vi) Building Lifecycle Report to be prepared.

(vii) Traffic Impact Assessment to be prepared.

(viii) Construction and Waste Management Plan to be prepared.

### 3.2.2. Other Technical Reports

- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media: Attention is drawn to Recorded Monument DU017-041-001, which is adjacent to the site. The National Monuments Service requests a pre-development archaeological assessment condition.
- Department of Defence: Observes the need to co-ordinate the operation of cranes with the Air Corps.
- Irish Water: No objection, standard conditions requested.
- South Dublin County Council:
  - Housing: Part V condition requested.
  - Surface Water: No objection, standard conditions requested.

- Roads: Following receipt of further information, condition requested.
- Environmental Health: Conditions requested.
- Public Realm: No objection/comment.

## 4.0 Planning History

The site:

- Since 1999 the site has been the subject of a considerable number of applications for changes of use and ancillary development to the original enterprise centre. These applications have been permitted.
- Pre-application consultation occurred on 4<sup>th</sup> June 2020.

Adjoining site to the south:

- SD05A/0179: Three/four storey apartment block (2 one-bed, 5 two-bed, and 1 three-bed) over ground floor retail and ancillary uses: Permitted and built.

Adjacent site further to the south:

- SD03A/027: Three/four storey apartment block (3 one-bed, 24 two-bed, and 3 three-bed) over ground floor retail and ancillary uses + a senior citizens centre + three storey apartment block (2 one-bed and 15 two-bed) + internal street: Permitted and built.
- SD07A/0666: Change of use of a retail unit and minor amendments to the above parent permission: Permitted.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the South Dublin County Development Plan 2016 – 2022 (CDP), the site is shown as lying within Clondalkin Village Centre, which is subject to the following zoning objective, “To protect, improve and provide for the future development of village centres.” Within village centres, residential and retail uses are permissible. (To the north and to the east the site adjoins an area zoned residential and further to the north and the north-west there is an area zoned for the future development of a



town centre). The site is also shown as lying within the area of archaeological potential associated with the Recorded Monument DU017-041-001.

Urban Centres Policy 3 of the CDP addresses village centres: It states that the Council undertakes “to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value.” Of the accompanying objectives the following are of particular relevance:

*Objective 2: To promote design standards and densities in traditional villages, that are informed by the surrounding village and historic context and enhance the specific characteristics of each town or village in terms of design, scale and external finishes.*

*Objective 7: To reinforce village centres as a priority location for new mixed use development and to promote and support new development that consolidates the existing urban character with quality of design, integration and linkage as important considerations.*

Urban Centres Policy 6 of the CDP addresses building heights: It states that the Council undertakes “to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County.” The accompanying objectives are of relevance:

*Objective 1: To encourage varied building heights in town, district, village, local and regeneration areas to support compact urban form, sense of place, urban legibility and visual diversity while maintaining a general restriction on the development of tall buildings adjacent to two-storey housing.*

*Objective 2: To ensure that higher buildings in established areas take account of and respect the surrounding context.*

*Objective 3: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centre, Regeneration and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme.*

Under Section 11.2.7 of the CDP, building height is discussed further. The following criteria is specified for determining appropriate building heights:

- *The prevailing building height of the surrounding area.*

- *The proximity of existing housing – new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved.*
- *The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to the width of the street, or area of open space.*
- *The proximity of any protected structures, ACAs and/or other sensitive development.*

The site adjoins the junction between Watery Lane and Orchard Road/Orchard Lane. The Clondalkin Village Architectural Conservation Area (ACA) lies to the south and west of this junction. Heritage, Conservation and Landscapes (HCL) Policy 4 addresses ACA's. It states that the Council undertakes "to preserve and enhance the historic character and visual setting of ACAs and to carefully consider any proposals for development that would affect the special value of such areas." Of the accompanying objectives the following one, HCL Objective 2, is of particular relevance:

*To ensure that new development, including infill development, extensions and renovation works within and adjacent to an ACA preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.*

## **5.2. National Planning Policies and Guidelines**

- National Planning Framework: Project Ireland 2040
- Sustainable Residential Development in Urban Areas
- Sustainable Urban Housing: Design Standards for New Apartments
- Urban Development and Building Heights
- Design Manual for Urban Roads and Streets

## **5.3. Natural Heritage Designations**

- South Dublin Bay SAC (000210)
- South Dublin Bay and River Tolka Estuary SPA (004024)

## 5.4. EIA Screening

Under Items 10(b)(i) and (iv) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where more than 500 dwelling units would be constructed or where urban development would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere, the need for a mandatory EIA arises. The proposal is for the development of 86 dwellings on a site with an area of 0.38 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall below the relevant thresholds, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

#### (a) Castle Park Residents Association

- The proposal would have a density of 226 dwellings per hectare and as such it would represent over development within its context. Likewise, its scale, mass, and height would cause it to be overbearing. Consequently, this proposal would contravene UC6 Objective 2 of the CDP, which requires that higher buildings in established areas should “take account of and respect the surrounding context.” It would also contravene UC1 Objective 4, which requires that development be of a “high standard of urban design that contribute to the creation of safe and attractive streets and spaces.”
- The proposal would have multiple adverse impacts upon the amenities of the nearest residential properties on Castle Grove, e.g. overbearing, overshadowing, overlooking/loss of privacy, and noise pollution, and a consequent reduction in property values.
- Elsewhere on Castle Grove and Castle Park, the proposal would be visible, and it would appear overly dominant.

- Under Section 5.1.2 of the CDP, the proposal should strengthen the traditional village of Clondalkin. This it would fail to do. Given its strategic location within the village, this proposal should combine the provision of housing with the provision of high value local amenities for the benefit of existing residents. The proposed retail units would fail in this respect, as is evidenced by the incidence of vacant units/low-order retail uses in units in the adjacent development to the south of the site.

**(b) Adair & Kay Cowan & Others, residents of Nos. 1 – 4 Watery Lane**

The appellants begin by describing the site and its environs. They draw attention to:

- The existing layout of the site, wherein buildings do not extend beyond the rear building line of the dwelling houses at Nos. 1 – 4 Watery Lane,
- The higher level of the site compared to the adjoining residential property at No. 4 of c. 1.2m, which has prompted the residents concerned to add a 0.5m high fence to the top of the intervening boundary wall, and
- The status of the open space in front of these dwelling houses, which is not public but private, i.e. for the use of residents of Nos. 1 – 4 only.

The appellants also summarise the original and revised proposals for the site and Condition No. 2 attached to the permission.

The appellants proceed to cite the following grounds of appeal:

- Negative impact upon residential amenity
  - The proposal would be sited close to the northern boundary of the site, which abuts Nos. 1 – 4 Watery Lane. Its two blocks would, due to this proximity and their bulk and scale, particularly their height, be highly overbearing and incongruous.
  - The aforementioned attributes of the proposal would result in direct overlooking of adjacent residential properties from habitable room openings and balconies. Significantly, the appellants residential properties presently enjoy a high degree of privacy, which would thus be lost. They would also be overshadowed.

- The aforementioned attributes of the proposal would, likewise, be without precedent in the area and so it would be overdevelopment, which would be unduly dominant.
  
- Negative visual amenity
  - The proposal would be overbearing when viewed from the appellants' residential properties at Nos. 1 – 4 Watery Lane and from the private open space that they share to the front of these properties.
  - Attention is drawn to the submitted photomontage (View PM02), which shows the proposal in conjunction with only part of the dwelling house at No. 4. A wider view would have disclosed the proximity of not only this dwelling house, but the other three to the north.
  - The design of the proposal fails to transition in scale towards the northern and eastern boundaries of the site, beyond which lie two storey dwelling houses. Consequently, it would be excessive, and it would appear highly incongruous adjacent to the dwelling house at No. 4 especially.
  - Revisions under further information and Condition No. 2 would be insufficient to remedy the resulting overbearing and dominant impact of the proposal upon residential properties in the vicinity.
  
- Inappropriate vehicular access and car parking arrangement that will result in traffic hazard
  - Traffic generated by the proposal would exacerbate existing congestion and the proposed vehicular access has not been assessed from a road safety perspective.
  - The submitted transportation report is based on 2016 data, along with assumed generic growth: This is insufficiently robust.
  - The proposed layout of the basement is critiqued, especially the fragmented and inconvenient siting of some cycle parking spaces. Car parking provision would fall short of relevant CDP standards.

- Building heights are excessive
  - Attention is drawn to the two storey dwelling houses to the north and east of the site and to the predominantly three storey mixed use development to the south. Within this context, the proposal would constitute over development. The applicant has not justified its proposal under SPPR 3 of the Urban Development and Building Heights Guidelines.
  - Proposed Block A would be of monolithic form and of poor architectural design. It would fail to integrate visually with the existing built environment, e.g. its transitional zoning position between village centre and residential areas has not been recognised in its design. The Section 3 performance criteria of the Guidelines have not been met.
  - Notwithstanding the revised set back of proposed Block B from the northern site boundary of c. 7.8m, the difference in site levels across this boundary has not been factored-in and so this Block would read as being 14m high. Consequently, it would tower over No. 4, which would also be hemmed in by proposed Block B to the front.
  - The proposal would contravene Housing Policy 9 of the CDP, which is not over-ruled by the aforementioned Guidelines, and which requires that new infill housing respects its context and provides for a gradual change in building height.
- Impacts on structure of adjoining properties – basement and boundaries
  - Attention is drawn to the proposed basement and to its proximity to the northern boundary of the site. Concern is expressed that no assessment appears to have been made of possible implications upon the structural integrity of existing buildings and walls and the stability of existing trees.
  - Consequently, the need for structural reports to be undertaken of Nos. 1 – 4 Watery Lane, prior to the commencement of development, arises.
- Noise impacts on residential amenity
  - As the proposal would entail demolition, excavation, and construction works, noise impacts would be considerable.

- The proposed vehicular access would be sited close to No. 4 Watery Lane.
- The proposed amenity area, which would comprise children's play equipment and seating, would be sited close to No. 4 Watery Lane.
  
- Drainage arrangement
  - Attention is drawn to a culverted small underground river, which runs under Nos. 1 – 4 Watery Lane.
  - Attention is also drawn to discrepancies in the extent of the site denoted by means of a red edge.
  
- Negative impact on property values
  - Due to the impact of the proposal on the residential amenities of Nos. 1 – 4 Watery Lane, reductions in property values would ensue.
  
- Other ownership matters and consents
  - Attention is drawn to drawing no. PL006 and its notation with respect to the treatment of the northern boundary of the site. Confusion attends whether partial retention or partial replacement of a wall would occur. The residents of No. 4 confirm that they have not consented to the replacement of this wall.

## 6.2. Applicant Response

The applicant begins by describing the site. It then summarises this site's planning history, along with examples of apartment developments that have been permitted in the wider area. The proposal for the site is also described. Then the applicant responds to the appellants grounds of appeal as follows:

- Negative impact on residential and visual amenity
  - The applicant considered the site's context in its design approach to the original proposal and its subsequent revision. Attention is drawn to the

separation distances between proposed Block B and the dwelling houses at Nos. 19, 21 & 23 Castle Grove. In each case these distances would exceed the 22m cited in the Sustainable Residential Development in Urban Areas Guidelines as being normally recommended between upper floor windows to protect privacy. The case planner is quoted in this respect as stating that the distances would not contravene the advice of relevant national planning guidelines with respect to relationships between single aspect apartments and dwelling houses. Attention is also drawn to Condition No. 2 and the setback that it requires to the top storey of proposed Block B and to the specification of recessed balconies on its eastern elevation.

- The applicant cites the conclusions of its submitted lighting assessment, which state that the gardens of adjacent dwelling houses would pass the 2-hour test required for 21<sup>st</sup> March. These conclusions would be strengthened under the revised proposal. The case planner concurred with them.
- The revised elevations of proposed Block B would be designed to mitigate any negative visual impact, e.g. its mass would be relieved by the siting centrally of recessed balconies and its height would be eased by a stepdown at either end from four to three storeys.
- Vehicular access and car parking
  - The proposal would comply with relevant car and cycle parking standards.
  - The traffic survey utilises pre-pandemic 2016 data to ensure its robustness.
  - The findings of the applicant's Traffic and Transport Assessment are reiterated, and attention is drawn to Roads support for them.
- Building heights are excessive
  - The proposal would exhibit a scale and design that would respond appropriately to the site's context, while ensuring that under a redevelopment scenario the site would reach its full potential. As revised,



proposed Block B would, as described above, be reduced in its footprint and height to ease its relationship with No. 4 Watery Lane.

- Noise and impacts on structure of adjoining properties
  - Existing trees in front of Nos. 1 – 4 Watery Lane would be unaffected. Boundary walls to the site would be retained, while a small portion in the north-western corner would be “retained with red brick to match the existing adjacent wall”.
  - Prior to the commencement of development, an engineer would assess the existing boundary walls.
- Impact on property values
  - In addition to the revisions under further information and on foot of Condition No. 2, attention is drawn to the panels that would be attached to the northern sides of balconies and to tree planting that would afford screening along the eastern boundary.
- Other ownership matters and consents
  - The addition of red brick as described above is essentially a civil matter for the applicant and the appellants to address, independently of the planning process.

### 6.3. Planning Authority Response

The Planning Authority confirms its decision: The issues raised by the appellants have been addressed in the case planner’s report.

### 6.4. Observations

Clondalkin History Society

- The grounds of appeal cited by the appellants are supported.
- The proposal would represent over development within the context of two storey buildings. It would be out of character with these buildings, and it would have a significant impact on visual and residential amenity.

- The finding that traffic generation would have a minimal impact mirrors that of other recent developments in the area. These findings are difficult to reconcile with the existing experience of congestion.
- Clondalkin Village is of historic interest, as evidenced by recorded monuments, especially its round tower, which is one of the finest in the country and which is situated within 300m of the site. The National Monuments Service has expressed concern that the proposal would be “located adjacent to the line of the early Christian monastic enclosure delineated by Orchard Lane (DU 017-041-001).” The proposal would be totally out of character with the Village, and it would represent a missed opportunity for a sympathetic redevelopment of the site, which would enhance its historic character. UC6 Objective 2 of the CDP would be contravened.

## 6.5. Further Responses

None

## 7.0 Assessment

7.1. I have reviewed the proposal in the light of the National Planning Framework: Project Ireland 2040, national planning guidelines, the South Dublin County Development Plan 2016 – 2022 (CDP), relevant planning history, the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Zoning, density, and public transport,
- (ii) Building height, streetscape, and conservation,
- (iii) Visual and residential amenity,
- (iv) Development standards,
- (v) Traffic, access, and parking,
- (vi) Water, and
- (vii) Appropriate Assessment.

### **(i) Zoning, density, and public transport**

- 7.2. Under the CDP, the site is zoned “village centre”, wherein the objective is “To protect, improve and provide for the future development of village centres.” The proposal would entail the demolition of the existing buildings (1547 sqm) on the site, which are in a variety of retail, commercial, communal/educational, and residential uses, and the redevelopment of the site for residential (7063 sqm) and retail (525 sqm) uses with basement parking over a total floorspace of 10,140 sqm. Under the village centre zoning of the site, residential and retail uses would be permissible.
- 7.3. Appellant (a) expresses concern that the proposal would fail to provide high value local amenities for the benefit of existing residents. In doing so, they draw attention to the incidence of ground floor vacant units and low-order retail uses in the Orchard Lodge Apartment development to the south of the site. During my site visit, I observed this development and I also observed the village centre as a whole, which comprises a variety of local shops, eateries, and public houses. The village centre is remarkably vibrant with a low vacancy rate and so the situation in the development to the south of the site would appear to be the exception rather the rule. I, therefore, do not share appellant (a)’s pessimism over the prospects for the proposed retail units.
- 7.4. Under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, advice is given on location and density. This advice refers to factors such as proximity to recognised urban centres, high-capacity public transport, and high frequency bus services.
- Under the Greater Dublin Regional Planning Guidelines 2010 – 2022, Clondalkin is identified as a Metropolitan Consolidation Town. Under the Retail Strategy for the Greater Dublin Area 2010 – 2016, it is identified as a Level 3 retail centre. Additionally, under the CDP, it is identified as a secondary administrative centre for the South Dublin County Council. Under the CDP, too, Clondalkin centre is the subject of two zonings, i.e. the village centre, which is centred on the historic village, and the town centre, which lies to the north.
  - Clondalkin centre is not itself served by any high-capacity public transport. Commuter rail services can be accessed to the north-east, c. 2.7 km away, at

Park west and Cherry Orchard and to the north-west, c. 2.2 km away, at Clondalkin Fonthill. Lucas services can be accessed to the south east, c. 1.8 km away, at the Red Cow. (All these measurements are “on the ground” walking routes rather than “as the crow flies” distances).

- Clondalkin centre is served by a high-frequency bus service, route 13, which runs between Grange Castle and Harristown and, within these termini, serves Clondalkin Village and the city centre. This route operates at a 10-minute frequency during the morning and evening peaks of 0700 – 0900 and 1600 – 1800. It is supplemented during these times by route 51d, which runs between Clondalkin Village and the city centre only. Other routes that incorporate Clondalkin Village within their itinerary are the 68 and the 69, which run, variously, between Newcastle and Rathcoole and the city centre.

7.5. In the light of the factors cited by the Guidelines, the question arises as to which of the three types of location cited by these Guidelines best describes Clondalkin centre: (a) central and/or accessible urban location, or (b) intermediate urban location, or (c) peripheral and/or less accessible urban location.

- Under (a), the centre is neither a principal city centre nor a significant employment centre and it is not accessible (within 800 – 1000m) to high-capacity public transport. It is however served by high-frequency buses (10-minute peak hour frequency).
- Under (b), the centre is a suburban centre, and it is an employment location. This centre is not accessible to high-capacity public transport (within 1000 – 1500m), although some weight can reasonably be given to the Luas, the Red Cow station for which is 1.8km away. (The two commuter stations are further away). It is however served by high-frequency buses (10-minute peak hour frequency). Under (b), if accessibility to high-capacity public transport is lacking, then reliance can be had upon accessibility to high-frequency buses.
- Under (c), suburban locations are envisaged, which do not meet the aforementioned proximity or accessibility criteria.

7.6. If the presence of one or more factors are regarded as being sufficient for categorisation, then, as the site is beside a bus stop that is served by a high-frequency bus service, it is capable of being categorised as (a) an accessible urban

location. Clearly, the site would exhibit a greater number of factors under (b). However, if one factor alone is needed for categorisation, then (a) it is.

- 7.7. In the light of the above discussion, I consider that the site can be categorised as being within an accessible urban location, where no advice pertains with respect to net residential densities.
- 7.8. The Sustainable Residential Development in Urban Areas Guidelines advise on appropriate locations for increased densities. Under Section 5.6, they state that “there should, in principle, be no upper limit on the number of dwellings that may be provided within any town centre site”, subject to a stated range of safeguards, and on public transport corridors, minimum net densities of 50 dwellings per hectare would, subject to design and amenity standards, be appropriate.
- 7.9. As discussed above, Clondalkin centre comprises village and town centre zonings. The site is subject to the village centre zoning and so Section 5.6 needs to be viewed in that light. Several of the stated safeguards have a particular bearing upon this site, too, e.g. avoidance of undue adverse impact on the amenities of existing or future adjoining neighbours, and recognition of the desirability of preserving protected buildings and their settings and of preserving or enhancing the character or appearance of an ACA. I will discuss the subjects raised by these safeguards under subsequent headings of my assessment.
- 7.10. As discussed above, too, the site is served by a high-frequency bus route 13, which uses the bus stop adjacent to the front boundary of the site on Watery Lane. The site, therefore, lies on a public transport corridor.
- 7.11. In the light of the above discussion, minimum net densities of 50 dwellings per hectare would be appropriate on the site.
- 7.12. Under the original and revised proposals for this site, net residential densities of 226 and 205 dwellings per hectare would be exhibited. Whether these densities would be appropriate for the site within its context will become clear as my assessment of the proposal unfolds.
- 7.13. I conclude that the proposed uses would be permissible under the zoning objective for the site. I conclude, too, that this site is located within an intermediate urban location and that it is served by high-frequency public transport. Accordingly, net

residential densities of in excess of 45 or 50 dwellings per hectare should be sought. The proposal would exceed these thresholds.

**(ii) Building height, streetscape, and conservation**

- 7.14. Under Paragraph 1.10 of the Urban Development and Building Heights Guidelines, new buildings in town centres will be “at least six storeys at street level as the default objective” and, under Paragraph 1.9, new buildings in suburban areas outside town centres will be “at least three to four storeys”.
- 7.15. Under Policy UC 6 of the CDP, the Planning Authority undertakes “to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County.” Accompanying Objectives 1, 2, and 3 refer to “maintaining a general restriction on the development of tall buildings adjacent to two-storey housing”, ensuring that “high buildings in established areas take account of and respect the surrounding context”, and directing “tall buildings that exceed five storeys in height to strategic and landmark locations in town centres...”
- 7.16. Under SPPR 1 of the Guidelines, Planning Authorities are to explicitly identify where increased building height will be actively pursued and they are not to provide for blanket limitations on building height.
- 7.17. Proposed Block A would be six storeys high and proposed Block B would be five storeys high, although this was revised to four storeys under further information. As discussed above, the site is located within Clondalkin village centre rather than town centre. Accordingly, the Guidelines stipulation of six storeys in town centres does not automatically apply. The CDP Objectives cited understand tall buildings to exceed five storeys in height. Such buildings are viewed as being inappropriate next to two-storey housing and they are to be directed to suitable town centre locations.
- 7.18. The Planning Authority acknowledged that, in the light of SPPR 1, it could not simply apply the above cited Objectives in its assessment of the proposal, as, under SPPR 3, the applicant should be afforded the opportunity to set out how its proposal would comply with accompanying stated criteria. Accordingly, under further information, the applicant was asked to address these criteria. In doing so, it was prompted to scale back proposed Block B. The Planning Authority concurred with this approach, subject to some further, more minor, scaling back of this Block. Appellant (a) states that the applicant has neither justified the proposal under SPPR 3 nor is such

justification possible. I will, therefore, review these criteria by drawing upon the applicant's commentary and my own observations.

### **At the scale of Clondalkin**

- 7.19. With respect to public transport, as discussed under the first heading of my assessment, the site is well located for high-frequency buses rather than high-capacity public transport.
- 7.20. With respect to integration into and enhancement of the character and public realm of the area, the applicant draws attention to proposed Block A, which would be sited immediately adjacent to Watery Lane. This six-storey block would be finished in red brick, apart from its recessed top storey. It would thus complement the red brick finish evident in the new part three/part four storey Orchard Lodge Apartments development to the south of the site. The applicant also draws attention to the public realm forward of the front elevation to proposed Block A. This realm would be improved by means of the widening of the footpath, tree planting with accompanying seating, and the provision of bicycle stands.
- 7.20.1. During my site visit, I observed that the historic village centre comprises a variety of buildings from different periods. Their shapes and sizes differ and make for an eclectic mix. The majority are of two storeys, with single and three storeys making up the minority. More recent new development, known as Orchard Lodge Apartments, has presented to the street as being of predominantly three storeys, while having four storeys to the rear. The mass of this development is eased by the insertion of a new street and a front building line that is split to "round the bend" in Orchard Road. Established and more recent buildings maintain a human scale that is important in shaping the village character of the centre.
- 7.20.2. The Observer draws attention to Clondalkin Round Tower, which is located in the western portion of the historic village, within 300m of the site. It also draws attention to the archaeological interest attendant upon the village centre, as the site of an early Christian monastic enclosure. Concern is expressed that the proposal would be out of sympathy with the character of its historic context.
- 7.20.3. During my site visit, I observed the Round Tower and the adjacent St. John's Church. I noted that their relationship with the site is mediated by the intervening presence of two-storey dwelling houses on the opposite side of the junction between

Watery Lane and Orchard Lane/Orchard Road from the site. I noted, too, that at 27.5m in height the Round Tower would be considerably higher than proposed Block B, which would be 19.2m in height. Clearly, the Tower is a narrow structure, which, due to its height, provides a local landmark. Proposed Block B would be of more monolithic form (19.2 m high x 47.8m long) and so I am less concerned that it would compete with the Tower than that it would be an overly dominant presence within the setting of the Clondalkin ACA, which encapsulates the historic village centre to the south and west of the site.

7.21. With respect to larger urban redevelopment, the site and the proposal would not come within this description.

#### **At the scale of district/neighbourhood/street**

7.22. With respect to making a positive contribution to the urban neighbourhood and streetscape, the applicant draws attention to the existing layout of the site, which, due to the set back of the front building line, provides a weak streetscape. It also draws attention to the existing scale of development, which falls short of what the site is capable of accommodating.

7.22.1. Under further information, the applicant revised proposed Block B to take greater account of the proximity and orientation of dwelling houses to the north and to the east. Thus, this block would be set back by a greater distance from its northern boundary, i.e. by 2m from 5.7m to 7.7m, although I note that the length of the top recessed storey has remained constant and so the 2m relaxation would not be reflected at this level. Its third storey was omitted, thereby reducing the block to four storeys, i.e. by 2.27m, from 14.97m to 12.7m. I will discuss revised Block B further under the third heading of my assessment.

7.23. With respect to not being monolithic, the applicant draws attention to the generous amount of glazing that would be specified and to the use of red brick and two different renders to emphasis projecting (white render) and recessed (black render) features. The top storeys would be finished in black cladding, and window joinery, and balcony railings would also be black in colour.

7.23.1. While I consider that the design and finishes of the proposed blocks would be satisfactory aesthetically, my concern is that within the context of the historic village, recent development to the south, and the presence of two storey dwelling houses to



the north and to the east, the proposal would be overly dominant due to its scale and extensive streetscape presence.

- 7.24. With respect to enhancing the urban design context for public spaces and key thoroughfares, I consider that this factor is of limited relevance, given the size and context of the site. Nevertheless, the site does lie beside Watery Lane, one of several roads that feed into the village centre, and, under the proposal, it would have a more clearly defined street edge than exists at present.
- 7.25. With respect to a positive contribution to legibility, the proposal would represent a step change in scale from the two storey dwelling houses to the north of the site and so, for those approaching the village centre along Watery Lane, it would mark the entry point into this centre.
- 7.26. With respect to mix of uses and building typologies, the proposal would replace a variety of retail, commercial, and residential uses on the site with a majority residential use and a minority commercial use. Its typology would invite a comparison with the adjacent Orchard Lodge Apartments development to the south, while differing from this development in its scale and design. The typology of apartments within the village centre would thereby be widened.

### **At the scale of the site/building**

#### The proposal

- 7.27. Three inter-related factors are cited under this heading:
- Proposals should be “carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light”,
  - To this end regard should be had to “quantitative performance approaches to daylight provision” outlined in BR 209 “Site Layout Planning for Daylight and Sunlight (2<sup>nd</sup> Edition)” or BS 8206-2: 2008 – “Lighting for Buildings – Part 2: Code of Practice for Daylighting”, and
  - Where proposals fall short in their daylight provision, “this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out”. The Board should exercise discretion in assessing such proposals, “having regard to local factors including specific site constraints

and the balancing of that assessment against the desirability of achieving wider planning objectives.”

7.28. The applicant submitted a “Sunlight, Daylight and Shadow Assessment” of the original proposal, which was prepared in accordance with the above cited documents. I have considered this Assessment in the light of these documents, noting, in doing so, that the latter one has been superseded by BS EN 10037: 2018 “Daylight in Buildings”. I summarise my findings below.

*Internal daylight and sunlight*

7.29. The applicant’s “Sunlight, Daylight and Shadow Assessment” considers the performance of the proposal under several headings.

7.30. Firstly, Average Daylight Factor (ADF), which is the ratio of lighting inside a building to the lighting outside expressed as a percentage. For dwellings, the minimum ADF for certain rooms cited in BS 8206-2 is as follows: Bedrooms – 1%, living rooms – 1.5%, and kitchens – 2%. “Where one room serves more than one purpose, the ADF should be that for the room type with the highest value, e.g. in a space which combines a living room and a kitchen the minimum ADF factor should be 2%.”

7.31. The applicant calculated the ADF for the first-floor apartments in proposed Blocks A and B. All of these apartments would have combined living room, dining room, and kitchen spaces. Notwithstanding the above advice, the applicant applied 1.5% as the minimum for these spaces. Consequently, they and the bedrooms assessed, all cleared the respective thresholds of 1.5% and 1%.

7.32. If the above advice is followed, then the combined spaces (denoted as 15, 20, and 25 on Page 15 of the Assessment) in apartments nos. 7, 5, and 1 in proposed Block A would have ADFs of 1.8%, 1.9%, and 1.8%, i.e. they would be sub-threshold. Likewise, the combined spaces (denoted as 5 and 7 on Page 16 of the Assessment) in apartments nos. 10 and 12 in proposed Block B would have ADFs of 1.9% and 1.7%. i.e. they would be sub-threshold.

7.33. As noted above, the applicant applied 1.5% rather than 2% and so the 5 sub-threshold apartments were not identified as such. Under further information, the applicant omitted the third floor from proposed Block B and so as now envisaged it would be five rather than six storeys high. Thus, marginally more skylight and sunlight would be available to the 3 apartments identified as being sub-threshold in

proposed Block A, although I cannot be sure that this would be sufficient to make them compliant. Thus, all 5 of the 18 apartments tested may remain sub-threshold, i.e. 27.78%.

- 7.34. Secondly, room depth check is undertaken by the applicant, which concludes that all of the proposed bedrooms would be of an appropriate depth from a lighting perspective. The combined spaces were not subject to this check, as each was regarded as having multiple facing windows. Thus, while 28 of the original and 26 of the revised apartments are categorised as being dual aspect, by virtue of glazed doors to balconies, each apartment is categorised as having multiple facing windows.
- 7.35. Thirdly, annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH) for the combined spaces of the first-floor apartments in proposed Blocks A and B were assessed by the applicant. Each combined space passed the relevant APSH threshold, but 7 of the 10 in the former block and 1 of the 8 in the latter block failed to pass the relevant WPSH threshold, i.e. 5%. Results for the 7 range between 1.5% and 3.7% and the result for the 1 is 4.1%. The applicant comments on these results to the effect that the orientation of the front elevation of proposed Block A towards the north-west is the reason why the majority of the apartments identified as being sub-threshold under the WSPH would be so. It considers that this orientation is important on urban design grounds, as it would ensure a streetscape edge onto Watery Lane.

#### *External daylight and sunlight*

- 7.36. The applicant has undertaken a shadow/sunlight amenity analysis of the first-floor balconies on proposed Blocks A and B and the proposed communal open space. Five of the balconies on the former block and 1 of the balconies on the latter block would be sub-threshold under this analysis, i.e. below 50%. Results for the 5 range between 14% and 43% and the result for the 1 is 17%. The applicant comments on these results to the same effect as that cited above. Additionally, it explains that the choice of in-built balconies relates to their appropriateness to Irish conditions, in terms of greater privacy and protection from the weather. Both of the communal open spaces would exceed the threshold, i.e. 50%: The central space would be 69% and the rear space would be 94%.

### Neighbouring residential properties

7.37. The applicant's "Sunlight, Daylight and Shadow Assessment" examines the impact that the proposal would have on the following three groups of existing residential properties in the vicinity of the site:

- Group B1, to the east, two-storey dwelling houses at Nos. 19 – 27 Castle Grove (odd, inclusive), with rear (western) elevations that face the eastern boundary of the site,
- Group B2, to the north, two storey dwelling houses at Nos. 3 & 4 Watery Lane, which form part of a row that runs northwards from the northern boundary of the site. The southern side elevation of No. 4 parallels the northern boundary of the site, and
- Group B3, to the south, a three-storey block comprised in the Orchard Lodge Apartments development, the northern elevation to which parallels the southern boundary of the site.

### *Internal daylight and sunlight*

7.38. The applicant's Assessment examines sky-lighting and ASPH/WSPH at habitable room windows in Groups B1 and B2.

7.39. Sky-lighting is tested by reference to the vertical sky component (VSC). The relevant thresholds for this component are either that it exceeds 27% or, where it comes below this percentage, any reduction is no more than 0.8 of the baseline VSC. One of the habitable room windows failed this test. This is a ground floor window in No. 19 Castle Grove. Its existing VSC is 26.2% and it would decline under the proposal to 18.9% or to 0.72 of its baseline. The applicant acknowledges this decline, but it draws attention to the existing two storey rear extension to No. 19, which is responsible for its existing low VSC.

7.40. Each of the habitable room windows tested cleared the relevant thresholds for ASPH. One of these windows failed the test for WSPH. The relevant thresholds here are either that it exceeds 5% or, where it comes below this percentage, any reduction is no more than 0.8 of the baseline. The window in question is a ground floor one in the rear elevation of No. 4 Watery Lane. It lies immediately adjacent to the site's northern boundary. Its existing WSPH is 11.3% and it would decline to

2.7% or 0.24. Under further information, the applicant re-sited proposed Block B further back from the northern boundary and it omitted the third floor. These revisions would improve the WSPH in question. However, as the applicant did not revisit its “Sunlight, Daylight and Shadow Assessment”, any improvement in this respect cannot be quantified.

- 7.41. The applicant’s Assessment examines sky-lighting at habitable room windows in Groups B3, too. (ASPH/WSPH are not relevant as these windows face north). As the northern elevation of the apartment block is immediately adjacent to the southern boundary of the site, under Appendix F of BR 209, a hypothetical mirror image of this block on the site can be used as a baseline against which to compare the proposal. On this basis, one of the windows would fail the VSC test. It is one of 3 second floor windows towards the front of the apartment block. The applicant comments upon them as follows: “In the mirrored target case, they will receive little to no skylight at around 2%. This is caused by extreme proximity of the mirrored development and their own overhead canopies. This level of VSC would not light the room. Any ratio results in windows with such low “existing” base skylight levels will greatly overstate change.”

*External daylight and sunlight*

- 7.42. The applicant has undertaken a shadow/sunlight amenity analysis of the rear gardens comprised in Groups B1 and B2. All of these gardens cleared the relevant thresholds.
- 7.43. Having summarised the findings of the applicant’s Assessment and its accompanying commentary on these findings, the question now arises as to whether there are any alternative compensatory design solutions that could ease the lighting deficiencies identified. In this respect, I note that the majority of the proposed apartments that would experience a low WSPH and low sun-lighting of balconies would be in the front of proposed Block A and that these outcomes result from the siting of this block in a position parallel to Watery Lane. The applicant has outlined its urban design rationale for doing so, which I accept. I note, too, that the majority of the proposed apartments that would experience a low ADF overlook the centrally placed communal open space between proposed Blocks A and B, i.e. they are either in the rear elevation of the former block or the opposite western elevation of the latter

block. Under revised plans, the applicant omitted the third floor of proposed Block B and so an improvement in ADFs in proposed Block A could be anticipated. Further improvements could be gained if this block were to be lowered further in conjunction with a lowering of Block A.

7.44. I conclude that the proposal would fail to fully satisfy the criteria cited in SPPR 3 for the following reasons:

- At the scale of Clondalkin, the height and expanse of proposed Block A at the entry to the village centre on Watery Lane would be unduly dominant within the setting of the ACA that encapsulates the historic village to the south and west of the site,
- At the scale of district/neighbourhood/street, the height and expanse of proposed Block A would be unduly dominant within the context of the site, which in addition to the ACA, comprises two storey dwelling houses and predominantly three-storey apartments, and
- At the scale of the site/building, the height and size of the proposal would militate against the satisfactory lighting of some of the proposed apartments.

7.45. In the light of these reasons, I conclude that the revised proposal needs to be reduced in height to ensure compliance with the relevant criteria. If the first storey of proposed Block A and the first storey of Block B were to be omitted, then the proposal would comprise a five-storey block to the front and a three-storey block to the rear. In my view, this height and scale of development would achieve compliance, while being satisfactory from streetscape and conservation perspectives.

### **(iii) Visual and residential amenity**

7.46. Aspects of visual and residential amenity have been discussed under the second heading of my assessment, i.e. streetscape and lighting. I will now consider the remaining aspects from the perspective of local residents, i.e. visual presence and overlooking.

7.47. Under the revised proposal, roughly a little over a half of the four-storey eastern elevation of proposed Block B would directly correspond with the original rear elevations of the two storey dwelling houses at Nos. 19 – 23 Castle Grove over

distances of between 24.579 and 28.764m, tightening to 23.278m if No. 19's two-storey rear extension is allowed for.

- 7.48. Appellant (a) draws attention to the multiple impacts that would result from these corresponding elevations in terms of overbearing, overlooking/loss of privacy, and noise. It also draws attention to the profile of the proposal that would be evident from elsewhere within Castle Grove and Castle Park. The applicant has responded by stating that separation distances would exceed 22m cited in the Sustainable Residential Development in Urban Areas Guidelines and to Condition No. 2 attached to the Planning Authority's permission, which would require the top storey to be recessed.
- 7.49. I note that 22m is the conventional separation distance between the corresponding rear elevations of two storey dwelling houses. I note, too, that it is cited within the Guidelines in the chapter that addresses small towns and rural, as distinct from urban, villages.
- 7.50. I am concerned that the revised proposal as amended by Condition No. 2 would still present an expanse of elevation to Castle Grove that would be visually excessive and, given its composition of habitable room openings and balconies to predominantly single aspect apartments, unneighbourly, in terms of visual dominance and overlooking/loss of privacy. In this respect, I consider that these impacts would be eased by the omission of the first floor and the consequent reduction of the block to three storeys. They would be further eased, in time, by the maturing of trees that would be planted beside the eastern boundary of the site.
- 7.51. During my site visit, I observed that existing activities towards the rear of the site entail car washing and car repairs with associated vehicle movements. These activities generate a degree of dis-amenity, e.g. noise. I am, therefore, inclined to discount the noise concern of local residents with respect to the operational phase of the proposal. Clearly, during the construction phase, noise and other environmental impacts would inevitably arise. These would be capable of being addressed by conditions pertaining to the management of the site during this phase.
- 7.52. Appellant (b) draws attention to the two-storey dwelling house at No. 4 Watery Lane, which is sited immediately adjacent to the northern boundary of the site and at a level c. 1.2m below that of this site. The position of this dwelling house is recessed in

relation to Watery Lane and so its southern side elevation would correspond with the western half of the northern side elevation of proposed Block B. Under the revised proposal, the separation distance between these elevations would be a minimum of 7.793m. The diagonal separation distance (c. 50 degrees) between the south-eastern corner of this dwelling house and the north-eastern corner of proposed Block B would be 10.2m and the diagonal separation distance (c. 60 degrees) between the south-western corner of this dwelling house and the north-eastern corner of proposed Block A would be 11.7m. Given these relationships, appellant (b) expresses concern that the proposal would be overbearing and incongruous and that, as such, it would fail to adhere to Section 11.1.1 of the CDP, which advises that in transitional areas between zones abrupt changes in scale should be avoided, i.e. the site is in the village centre zone and No. 4 is in the residential zone. Neither the revised proposal nor Condition No. 2 would address this concern adequately. Appellant (b) also expresses concern that the proposal would lead to overlooking.

- 7.53. The applicant has responded by emphasising the scaling back of proposed Block B, which was brought forward under further information, whereby it would be lower by a storey and further away from the northern boundary than originally proposed.
- 7.54. Turning to proposed Block A, I recognise the validity of appellant (b)'s contention that the change in scale between the proposal and No. 4 would be incongruous. I consider that omission of the first floor to this block would ease such incongruity insofar as the two-storey dwelling house would appear adjacent to a four-storey apartment building with an additional recessed fifth storey.
- 7.55. During my site visit, I observed that No. 4 is served by a small front garden beyond which lies a communal area of open space that is shared by the residents of Nos. 1 – 4 Watery Lane. The front garden is surrounded by trees and shrubs and the open space is lined by trees and shrubs beside the northern boundary to the site. If this vegetation is retained, then it would soften the transition between No. 4 and proposed Block A as described above. Likewise, it would serve to partially screen overlooking from habitable room windows in the northern side elevation of this block and balconies in the eastern elevation, which would, in any event, be tilted to the south and so away from the front elevation of No. 4.



- 7.56. Secondly, turning to proposed Block B, it would project beyond the rear building line of No. 4 and so, notwithstanding the revisions cited by the applicant, it would still be highly visible from No. 4. The above cited omission of the first floor would address such visibility. Likewise, the projection would be such that any overlooking from balconies adjacent to the north-eastern corner of this block would affect only the extremity of the rear garden to No. 4.
- 7.57. Appellant (b) draws attention to the excavation of the site, which would be entailed in the provision of the proposed basement underneath the blocks. Concern is expressed over the impact that such excavation may have upon the stability of the wall along the northern boundary of the site and the adjacent dwelling houses at Nos. 1 – 4. Likewise, concern is expressed over the survival of vegetation within the vicinity of this wall.
- 7.58. The applicant has responded by undertaking to ensure that the wall is the subject of inspection by an engineer prior to excavation. I consider that such inspection and any other inspections as envisaged by appellant (b) would be essentially a civil matter to be addressed by adjoining landowners.
- 7.59. The remaining residents that would be affected by the proposal reside in the three-storey apartment blocks to the south of the site. Residents residing in ground floor apartments are affected at present by the proximity along the southern boundary of the site of existing predominantly single storey buildings. Under the proposal, both Blocks A and B would be sited further back from this boundary and they would be separated by a central communal area of open space. As already discussed, I am recommending that both blocks be lowered by a storey. Consequently, proposed Block A would present southwards as a four-storey block with a recessed fifth storey. It would be viewed over a means of emergency vehicular access, which would run beside this block. Proposed Block B would present southwards as a two-storey block with a recessed third storey. It would be viewed at shorter range.
- 7.60. In the light of the foregoing paragraph, under the proposal, most of the existing apartments would experience some encroachment on their existing outlooks. However, such encroachment would be capable of being eased by the amendments, which I am recommending.

7.61. I conclude that, if the revised proposal is amended to omit the first floor from each of the blocks, then it would be compatible with the visual and residential amenities of the area.

**(iv) Development standards**

7.62. As discussed under the first heading of my assessment, the site can be regarded as being in an accessible urban location. Its area is 0.38 hectares and under the revised proposal, it would be developed to provide 78 apartments, of which 38, or 49%, would provide one-bed/two-person accommodation and 40, or 51%, would provide 7 two-bed/three-person and 33 two-bed/four-person units. Under SPPR 1 and 2 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, these proportions are deemed to be appropriate.

7.63. Under SPPR 3 of the Guidelines, one-bed/two-person, two-bed/three-person, and two-bed/four-person apartments must have minimum floor areas of 45 sqm, 63 sqm, and 73 sqm, respectively. The floor area of each of the proposed apartments would exceed its relevant minimum. If these areas are aggregated, then the following totals emerge:

Minimum floor area	Proposed floor area
38 x 45 sqm = 1710 sqm	1878 sqm + 9.8%
7 x 63 sqm = 441 sqm	479 sqm + 8.6%
33 x 73 sqm = 2409 sqm	2647 sqm + 9.8%
Total 4560 sqm	5004 sqm + 9.7%

7.64. Under the Guidelines, a majority of apartments should exceed the minimum floor area by a minimum of 10%. The above figures illustrate that, under the revised proposal, the total floor area of all the apartments would be almost 10% above the minimum, i.e. more than a majority of apartments, and so compliance with the Guidelines in this respect would be comfortably achieved.

7.65. Appendix 1 of the Guidelines sets out minimum aggregate living, bedroom, and storage areas for various sizes of apartments. It also sets out minimum areas of private open space. The applicant’s submitted area schedule for the revised

proposal records that compliance in all these respects would be achieved.

Furthermore, the notation on the submitted plans states that minimum room widths would also be complied with.

- 7.66. Under SPPR 4 of the Guidelines, dual aspect is addressed. Item (i) states that “A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate.” The applicant’s site would come within this description and the proposal, as revised, would achieve 33%, i.e. 26 of the 78 apartments would be dual aspect.
- 7.67. Under SPPR 5 of the Guidelines, a minimum floor-to-ceiling height of 2.7m is required. Under the revised proposal, each of the apartments would be compliant in this respect.
- 7.68. Under SPPR 6 of the Guidelines, a maximum of 12 apartments per floor per core is specified. Under the revised proposal, a maximum of 10 apartments per floor is specified for Block A and a maximum of 8 apartments per floor is specified for Block B. Each block would be served by two staircases, one of which would be accompanied by a lift.
- 7.69. Under Appendix 1 of the Guidelines, minimum areas for communal amenity space are stated, too, i.e. for one-bed, two-bed/three-person, and two-bed/four-person apartments, 5 sqm, 6, sqm, and 7 sqm are required, respectively. Under the revised proposal, these figures translate into a minimum provision of  $190 + 42 + 231 = 463$  sqm. Under the revised proposal, 1690 sqm or 44% of the site area would be laid out as communal amenity space. This space would comprise three elements, i.e. a central space between proposed Blocks A and B, a space to the rear of the site, and a connecting space to the north of proposed Block B. (A path would also connect the first and second spaces to the south of this block). These spaces would provide opportunities for passive recreation, e.g. seats would be provided, and active recreation, e.g. a circular walking route and exercise/children’s play equipment.
- 7.70. In the light of my conclusions to the second and third headings of my assessment, I am recommending that the revised proposal be amended by the omission of the first floors from proposed Blocks A and B. Such omission would result in a reduction of 18 apartments, i.e. from 78 to 60. These 18 apartments would comprise 8 one-

bed/two-person, 2 two-bed/three-person, and 8 two-bed/four person units. Consequently, the 60 apartments would, under this scenario, comprise 30 one-bed/two-person units, 5 two-bed/three-person units, and 25 two-bed/four-person units, i.e. a 50/50 split of one and two-bed apartments.

7.71. I conclude that the revised proposal would comply with relevant quantitative and qualitative development standards.

**(v) Traffic, access, and parking**

7.72. The site fronts onto and is accessed off Watery Lane (L5378) close to its junction with Orchard Road/Orchard Lane (L5296). Under the proposal, the existing centrally sited vehicular access would be closed in favour of one that would be sited beside the north-western corner of the site and so further away from the junction. (An emergency vehicular access would be sited beside the south-western corner). The proposal itself would be composed of 78 apartments and 4 commercial units and so it would generate traffic movements to and from the site. Under further information, the applicant submitted a Traffic and Transport Assessment (TTA), which assesses the impact that these movements would have upon traffic conditions at the new vehicular access to the site and the adjacent junction in the local road network.

7.73. The TTA draws upon a traffic count that was undertaken at the junction on Thursday 13<sup>th</sup> October 2016. This survey was used instead of any more recent one out of concern that pandemic conditions would not yield sufficiently representative figures. It has been modified to allow for projected traffic growth rates in 2022, the projected year of opening, and in 2027 and 2037, the relevant 5 and 15-year time horizons.

7.74. The TTA concludes that the vehicular access to the site from Watery Lane would operate well within capacity throughout the stated timeline of 2022 – 2037. The adjacent junction was examined with a focus upon left hand turning movements from the L5378 onto the L5296, i.e. no right hand turns allowed at this point, as the L5296 is one-way. At present the RFC for the am and pm peaks is 0.62 and 0.68. In each of the three projected years “do-nothing” and “do-something”, i.e. with the proposal in-situ, scenarios were examined. Essentially, a moderate growth in traffic with attendant queues and delays is projected and so, by 2037, the RFCs under the two scenarios for the am and pm peaks would be 0.81 & 0.85 and 0.89 & 0.92.

- 7.75. The above findings point to the need to promote other means of transportation. The TTA previews the proposed changes to bus services under the Bus Connects Plan. The high-frequency No. 13 bus service discussed under the first heading of my assessment would be effectively retained as the “D3 branch” and a new service, Route 255, would be introduced that would link Clondalkin village centre to the Luas at the Red Cow on a 20-minute frequency. The TTA, also, previews projected improvements to cycling routes in Clondalkin.
- 7.76. Under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, car parking provision on accessible urban locations is to be “minimised, substantially reduced or wholly eliminated”. The accompanying commentary that elucidates the third of these options is such that it would not be applicable to the site. By contrast, cycle parking spaces should be provided at a rate of 1 per bedroom for residents and 1 for every 2 apartments for visitors.
- 7.77. The TTA addresses car and cycle parking provision under CDP standards. These state as maximums the provision of 0.75 and 1 car parking spaces for one and two-bed apartments, respectively, and as minimums 1 cycle parking space for per 5 apartments for residents and per 10 apartments for visitors. They also state that retail floorspace should be accompanied by a maximum of 1 car parking space per 25 sqm and by a minimum of 1 cycle parking space per 5 staff.
- 7.78. Under the revised proposal, 81 car parking spaces would be provided, i.e. 68, or 100% of the CDP standard for the apartments, and 13 or, 57% of the CDP standard for the retail units. Ninety-six cycle parking spaces would be provided, too, i.e. 331% of the CDP standard.
- 7.79. If the approach of the Guidelines is applied, then 100% of the CDP standard would be excessive. Instead, I consider that 1 car parking space for each two-bed apartment would be a reasonable response to their requirements, i.e. 40 spaces, plus the 13 for the retail units, a total of 57 spaces. Likewise, the cycle spaces should be increased to reflect the number of bedrooms, i.e. 118 for residents, plus 39 for visitors, a total of 157. The layout of the proposed basement should be amended, by condition, to reflect these requirements.
- 7.80. Appellant (b) expresses concern that the proposed vehicular access has not been assessed from a road safety perspective. This access would be further from the

adjacent junction to the south than the existing one and so *ceteris paribus* it would be preferable. Sightline and visibility have not been formally addressed by the applicant or the Planning Authority. Under the Design Manual for Urban Roads and Streets, advice is given on these subjects, which includes the need for slightly longer y distances on bus routes. *Prima facie* the proposal would be capable of complying with this advice. A condition requiring that the proposed vehicular access be the subject of a Road Safety Audit (RSA) would provide the opportunity for such compliance and other potential safety matters to be attended to. The proposed set down area and the proposed emergency vehicle access should also be included within the ambit of a RSA.

- 7.81. During my site visit, I observed that the existing vehicular access to the site is located centrally on the frontage with Watery Lane. Immediately adjacent to this access, on its northern side, is the bus stop, which serves the high-frequency No. 13 bus route. During my site visit, I observed this stop in use, i.e. a double decker (c. 18.75m in length), which extended back along the frontage to the north-west corner of the site. Under the proposal, the existing vehicular access would be closed in favour of one beside this corner and the site frontage would be reorganised to provide a set down area for goods and people. If the bus stop remains in its existing position, then its use would block the proposed vehicular access. While the proposal does not address its re-siting, *prima facie* the set down area could, subject to its enlargement, provide an alternative bus stop. Such designation would be exclusive during the operating hours of the bus stop and so any secondary role of the set down area for deliveries would need to be “after-hours”. These matters could be the subject of a condition requiring that the applicant reach agreement with the Planning Authority on the needed re-siting.
- 7.82. I conclude that traffic generated by the proposal would be capable of being accommodated on the local road network, although its minimisation would be welcome. I conclude, too, that the number of car parking spaces in the proposed basement should be reduced, and the number of cycle parking spaces should be increased. The proposed vehicular access to this basement would *prima facie* be capable of being operated safely. Likewise, the re-siting of the existing bus stop, which would be necessitated by this access, would *prima facie* be capable of being undertaken elsewhere on Watery Lane.

## **(vi) Water**

- 7.83. The proposal would be connected to the public water mains and the public waste water and surface water sewerage systems. The applicant has submitted an Engineering Services Report, in which it includes a copy of Irish Water's response to its pre-connection enquiry. This response states that a connection to the public water main would be feasible without an upgrade to existing infrastructure and that a connection to the waste water sewerage system would be feasible, subject to a 30m extension to this system, which would need to be funded by the developer. As a consultee to the application, Irish Water subsequently confirmed that it has no objection to the proposal.
- 7.84. The Engineering Services Report addresses surface water. It states that the existing site is not believed to be the subject of any surface water attenuation or sustainable urban drainage systems. Under the proposal, such systems would feature, e.g. the specification of extensive sedum green roofs to the blocks and intensive green roofs into upper terraces and ground level podiums. These green roofs would be accompanied by blue roof storage below them. Elsewhere, permeable paving would be used in the hard surfaces incorporated within the communal amenity spaces. Collectively, these systems would be designed to ensure that discharge to the public surface water sewerage system would be capable of being held at 2 litres per second during a 100-year storm event. They would also ensure that such discharge is filtered for silt and hydrocarbon particles. Additionally, a hydrocarbon interceptor would be installed in the surface water drainage system within the proposed basement.
- 7.85. Under the OPW's flood maps, the site is not shown as being the subject of any identified flood risk and so, under the Planning System and Flood Risk Management Guidelines, it lies within Zone C.
- 7.86. The applicant has submitted a Flood Risk Assessment, which draws attention to the baseline site conditions, described above, with respect to surface water run-off onto Watery Lane. It also draws attention to the easing of pressure on the public surface water sewerage system, which would result from the operation of the proposal's surface water attenuation and sustainable urban drainage systems. The Assessment adds that any pluvial flood risk to the proposed basement would be mitigated by the

specification of a raised table, 120mm above the adjacent public footpath level, at the entrance to the basement ramp.

7.87. I conclude that the proposal would raise no water issues.

#### **(vii) Appropriate Assessment**

7.88. The site is neither in nor near to a European site. Under the revised proposal, this site would be redeveloped to provide 78 apartments and 4 commercial units. I am not aware of any source/pathway/receptor route between this site and the nearest European sites, which are in Dublin Bay, i.e. South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024). Appropriate Assessment issues would therefore not arise.

7.89. Having regard to the nature, scale, and location of the proposal, the receiving environment, and proximity to the nearest European site, it is concluded that no Appropriate Assessment issues arise as the proposal would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

### **8.0 Recommendation**

That permission be granted.

### **9.0 Reasons and Considerations**

Having regard to:

- National Planning Framework: Project Ireland 2040,
- Sustainable Residential Development in Urban Areas Guidelines,
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines,
- Urban Development and Building Height Guidelines,
- Design Manual for Urban Roads and Streets Guidelines, and
- South Dublin County Development Plan 2016 – 2022,

It is considered that:



- Under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, the site, by virtue of the proximity of a high frequency bus service, is in an accessible urban location,
- Under the County Development Plan, the residential and commercial uses comprised in the proposal would be permissible under the village centre zoning of this site,
- Subject to the omission of the first floors from proposed Blocks A and B, the proposal would comply with the building height criteria set out under SPPR 3 of the Urban Development and Building Height Guidelines. Likewise, this proposal would be compatible with the emerging village centre streetscape and it would be compatible with the setting of the Clondalkin Village Architectural Conservation Area.
- The proposal would comply with the relevant development standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines.
- Subject to the omission of the first floors from proposed Blocks A and B, the proposal would be compatible with the visual and residential amenities of the area.
- Traffic generated by the proposal would be capable of being accommodated on the local road network. Subject to a reduction in the proposed number of car parking spaces and an increase in the proposed number of cycle parking spaces, compliance with the advice of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines in these respects would be achieved. Subject to a Road Safety Audit, the proposed vehicular access would be capable of operating satisfactorily. This access would necessitate the re-siting of an existing bus stop, which would be addressed by a condition.
- No water or Appropriate Assessment issues would arise.

The proposal would, therefore, accord with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 14<sup>th</sup> day of January 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The proposed development shall be amended as follows:</p> <p>(a) The first floor shall be omitted from proposed Block A to provide a five-storey block,</p> <p>(b) The first floor shall be omitted from proposed Block B to provide a three-storey block, and</p> <p>(c) The number of car parking spaces in the proposed basement shall be reduced to 57, i.e. 40 for residents of the apartments and 17 for staff and customers of the commercial units, and the number of cycle parking spaces in the proposed basement shall be increased to 157, i.e. 118 for residents of the apartments and 39 for visitors. All consequential changes to the layout of the proposed basement from these revisions shall be made explicit.</p> <p>(d) Eight car parking spaces shall be provided with electrical vehicle charging points and all the remaining car parking spaces shall be provided with electrical ducting and termination points to facilitate their future use as charging points.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p><b>Reason:</b> In the interests of streetscape, conservation, the visual and residential amenities of the area, the amenities of future residents, and in order to promote sustainable modes of transport.</p>
3.	<p>The developer shall prepare a scheme for the re-siting of the bus stop, which is adjacent to the frontage of the site and which would otherwise block the proposed vehicular access to the site, along with a timetable for its re-siting. Any consequential changes to the physical layout and operating regime of the proposed set down area which may be necessitated by such re-siting shall be included in this scheme, too. Prior to the commencement of development, this scheme shall be submitted to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In order to ensure the usability of the proposed vehicular access and the continuity of the bus stop, in the interests of good traffic management and in order to promote sustainable modes of transport.</p>
4.	<p>Prior to the commencement of development, the developer shall submit to and agree in writing with the Planning Authority a Stage 1 and Stage 2 Road Safety Audit of the proposed vehicular accesses to the site and the proposed set down area. Thereafter, the developer shall submit to and agree in writing with the Planning Authority a Stage 3 and Stage 4 Road Safety Audit of the proposed vehicular accesses to the site and the proposed set down area.</p> <p><b>Reason:</b> In the interest of road safety.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed blocks and accompanying external hard surfaces shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
6.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p>

	<p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.</p> <p>(ii) Details of screen planting.</p> <p>(iii) Details of roadside/street planting.</p> <p>(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p> <p>(c) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
7.	<p>The areas of communal open space shown on the plans submitted to the Planning Authority on the 14<sup>th</sup> day of January 2021 shall be completed before any of the apartments are occupied and, thereafter, they shall be reserved for use as communal open space for the duration of the apartments upon the site.</p> <p><b>Reason:</b> In order to ensure the provision of areas of communal open space areas, and their continued use for this purpose.</p>
8.	<p>(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit and each commercial unit shall be submitted to, and agreed in writing with, the planning authority prior to</p>

	<p>commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p><b>Reason:</b> In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
9.	<p>The Outline Construction and Demolition Waste Management Plan, submitted to the Planning Authority on the 14<sup>th</sup> day of January 2021, shall be implemented during the construction phase of the proposed development. Any departures from this Plan shall be agreed both in advance and in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
10.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <p>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</p> <p>(b) Location of areas for construction site offices and staff facilities;</p> <p>(c) Details of site security fencing and hoardings;</p> <p>(d) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</p> <p>(e) Measures to obviate queuing of construction traffic on the adjoining road network;</p> <p>(f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</p>

	<p>(g) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</p> <p>(h) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(i) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(j) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of property in the vicinity.</p>
12.	<p>(a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. The assessment will include archaeological test excavations. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.</p> <p>(b) The archaeologist will carry out any relevant documentary research and inspect the site. Test trenches will be excavated at locations chosen by the archaeologist (licensed under the National Monuments Acts 1930 – 2004), having consulted the site drawings.</p>

	<p>(c) Having completed the work, the archaeologist should submit a written report to the Planning Authority and to the National Monuments Service. Where archaeological material/features are shown to be present, preservation <i>in situ</i>, preservation by record (excavation) or monitoring may be required and the National Monuments Service will advise the applicant/developer with regard to these matters.</p> <p>(d) No site preparation or construction work shall be carried out until after the archaeologist's report has been submitted and permission to proceed has been received in writing from the Planning Authority in consultation with the National Monuments Service.</p> <p><b>Reason:</b> To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.</p>
13.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
14.	<p>Proposals for an estate/street name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning</p>

	<p>authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
15.	<p>External lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
16.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>
17.	<p>Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
18.	<p>Any use of the commercial units shall be for a use that lies within either Class 1 or Class 2 of Part 4 of Schedule 2 to Article 10 of the Planning and Development Regulations, 2001 (as amended), only.</p> <p><b>Reason:</b> For the avoidance of doubt and in order to afford the Planning Authority the opportunity to control any other uses.</p>
19.	<p>Prior to the installation of any signage on the commercial units, details of such signage shall be submitted to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In order to afford the Planning Authority the opportunity to control signage, in the interest of visual amenity.</p>
20.	<p>Security roller shutters, if installed in the commercial units, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters</p>



	<p>shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
21.	<p>Each apartment shall be used and occupied as a single dwelling for residential purposes, and it shall not be sub-divided or used for any commercial purposes, including short-term letting.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
22.	<p>Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each residential unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p><b>Reason:</b> To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
23.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of this development.</p>
24.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering</p>

	<p>the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion of the development.</p>
25.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Hugh D. Morrison  
Planning Inspector

1<sup>st</sup> October 2021